

(a) Not later than the final recertification application submitted prior to closure of the disposal system, the Department shall provide, to the Administrator or the Administrator's authorized representative:

(1) a schedule for implementing passive institutional controls that has been revised to show that markers will be fabricated and emplaced, and other measures will be implemented, as soon as possible following closure of the WIPP. Such schedule should describe how testing of any aspect of the conceptual design will be completed prior to or soon after closure, and what changes to the design of passive institutional controls may be expected to result from such testing.

(2) documentation showing that the granite pieces for the proposed monuments and information rooms described in Docket A-93-02, Item II-G-1, and supplementary information may be: quarried (cut and removed from the ground) without cracking due to tensile stresses from handling or isostatic rebound; engraved on the scale required by the design; transported to the site, given the weight and dimensions of the granite pieces and the capacity of existing rail cars and rail lines; loaded, unloaded, and erected without cracking based on the capacity of available equipment; and successfully joined.

(3) documentation showing that archives and record centers will accept the documents identified and will maintain them in the manner identified in Docket A-93-02, Item II-G-1.

(4) documentation showing that proposed recipients of WIPP information other than archives and record centers will accept the information and make use of it in the manner indicated by the Department in Docket A-93-02, Item II-G-1 and supplementary information.

(b) Upon receipt of the information required under paragraph (a) of this condition, the Agency will place such documentation in the public dockets identified in §194.67. The Agency will determine if a modification to the compliance certification in effect is necessary. Any such modification will be conducted in accordance with the requirements at §§194.65 and 194.66.

[63 FR 27405, May 18, 1998]

PART 195—RADON PROFICIENCY PROGRAMS

Subpart A—General Provisions

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AUTHORITY: 15 U.S.C. 2665.

SOURCE: 59 FR 13175, Mar. 18, 1994, unless otherwise noted.

Subpart A—General Provisions

§ 195.1 Purpose and applicability.

(a) *Purpose.* The purpose of this part is to establish and collect the fees from applicants and participants required by section 305 of the Toxic Substances Control Act, U.S.C. 2665 to defray the cost to EPA for operating the following programs: The National Radon Measurement Proficiency (RMP) Program, the individual proficiency component of the RMP Program, and the National Radon Contractor Proficiency (RCP) Program.

(b) *Applicability.* This part applies to all applicants and participants in the following EPA programs: The National Radon Measurement Proficiency Program, the individual proficiency component of the RMP Program, and the National Radon Contractor Proficiency Program.

§ 195.2 Definitions.

Definitions in 15 U.S.C. 2602 and 2662 apply to this part unless otherwise specified in this section. In addition, the following definitions apply:

Acceptance date means the date on which EPA enters the application into the data system.

Accepted application refers to an application that has been entered into the data system.

Applicant means an individual or organization that submits an application to the RMP program, including the individual proficiency component of the RMP program, or the RCP program. An applicant to the RMP program must submit a separate application for each location from which it provides radon measurement services. After the application is accepted by EPA, the applicant becomes a "participant" in the proficiency programs.

Application means the documents submitted to EPA by applicants to the RMP and RCP programs which request participation in a program.

Device/measurement device means a unit, component, or system designed to measure radon gas or radon decay products.

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EPA means the U.S. Environmental Protection Agency.

Individual proficiency/RMP exam means the exam which evaluates individuals who provide radon measurement services in a residential environment.

Listed participant in an individual or organization who has met all the requirements for listing in the RMP and RCP programs.

Measurement method is a means of measuring radon gas or radon decay products encompassing similar measurement devices, sampling techniques, or analysis procedures.

Organization is any individual, sole proprietorship, partnership, business, company, corporation, college or university, government agency (includes Federal, State and local government entities), laboratory, or institution.

Participant is an individual or organization engaged in radon measurement and/or mitigation activities or in offering radon measurement and/or mitigation services to consumers and others, whose proficiency program application EPA has accepted.

Primary measurement services (primary) refers to radon measurement services using a specific device which services include the capability to read and/or analyze the results generated from the device.

Radon Contractor Proficiency (RCP) program refers to EPA's program to evaluate radon mitigation contractors and the contractor's ability to communicate information to the public.

Radon Measurement Proficiency (RMP) program refers to EPA's program to evaluate organizations and individuals offering measurement services to consumers. It provides a means for organizations to demonstrate their proficiency in measuring radon and its decay products in indoor air.

Radon mitigation contractor means a contractor who provides radon mitigation services to the public.

Secondary radon measurement services (secondary) refers to radon measurement services that do not include the reading or the ability to analyze the results of the measurement devices used. These services may include placement and retrieval of devices, report-

ing results, and/or consultation with consumers.

Subpart B—Fees

§ 195.20 Fee payments.

(a) *Fee Amounts.* Applicants to and participants in the RMP and RCP programs shall pay fees according to the following fee schedule:

(1) *Organizations Listed for or Seeking Listing for Primary Measurement Services in the RMP Program.* (i) In order to remain a listed participant, each organization that is listed for primary measurement services in the RMP program on the effective date of this section shall pay an annual fee of \$390 for each device.

(ii) Each organization seeking listing for primary measurement services that submits an initial application after the effective date of this section shall pay an annual fee of \$390 per device. This fee will be prorated quarterly, based on the acceptance date of an organization's application.

(iii) Organizations that have or are seeking a listing for secondary measurement services for their primary devices will not be required to pay the additional \$50 fee applicable to secondary organizations.

(2) *Organizations Listed for or Seeking Listing for Secondary Measurement Services in the RMP Program.* (i) In order to remain a listed participant, each organization that is listed for secondary measurement services in the RMP program on the effective date of this section shall pay an annual fee of \$50 for each business location listed.

(ii) Each organization seeking listing for secondary measurement services that submits an initial application after the effective date of this section shall pay an annual fee of \$50 for each business location listed. This fee will be prorated quarterly, based on the acceptance date of an organization's application.

(iii) Primary organizations that have or are seeking secondary listings for methods other than those for which they are listed as a primary, are subject to the fees.

(3) *Individual Proficiency Component of the RMP Program.* (i) In order to remain a listed participant, each individual